

Message Text

SECRET

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S E C R E T SECTION 01 OF 05 BONN 03113

NODIS

PLEASE REPEAT TO LONDON, PARIS, USNATO, AND GENEVA
(US SALT TWO)

E. O. 11652: GDS
TAGS: PARM, NATO, GW
SUBJECT: PREPARATIONS FOR NAC CONSULTATION ON SALT

REF: (A) STATE 42975; (B) STATE 38172

SUMMARY. THE FRG AGREES THAT THE DEPARTMENT'S INTERPRE-
TATION OF THE LEGAL SIGNIFICANCE OF A NON-CIRCUMVENTION
CLAUSE IS SOUND. NEVERTHELESS, THE GERMANS RETAIN THEIR
MISGIVINGS OVER THE POSSIBLE POLITICAL CONSEQUENCES OF
INCLUSION OF THE CLAUSE IN SALT II - PARTICULARLY IF WE
FALL BACK TO A REFERENCE TO "OTHER STATES". BLECH TOLD
THE CHARGE THAT THE FRG WILL RESTATE THIS POSITION AT
THE FEBRUARY 24 NAC SESSION, AS THIS WILL BE THE FIRST
TIME THE ISSUE HAS BEEN THOROUGHLY DISCUSSED BY THE
ALLIANCE. NEVERTHELESS, BLECH LEFT THE IMPRESSION THAT,
IN THE END, THE FRG WILL NOT RAISE OVERRIDING OBJECTIONS
IF THE US STATES THAT NON-CIRCUMVENTION LANGUAGE IS
INEVITABLE.

BLECH'S ONLY SUBSTANTIVE COMMENT ON OUR PROPOSED HANDLING
OF SALT III PRINCIPLES WAS THAT IT MIGHT BE DESIRABLE TO
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MAKE SOME REFERENCE TO CRUISE MISSILES IN ANY UNI-
LATERAL US STATEMENT, IN ORDER TO AVOID THE IMPRESSION
THAT THE CRUISE MISSILE ISSUE WAS DEFINITELY DISPOSED
OF IN THE PROTOCOL.

ON ERW, BLECH DOUBTED THAT THE FRG WOULD BE IN A POSITION
TO GIVE FIRM SUPPORT TO THE PROPOSED THREE STAGE

SCENARIO BY FEBRUARY 24. AGREEMENT THAT THE ERW SHOULD BE LINKED TO THE SS-20 AS AN ARMS CONTROL MEASURE, RATHER THAN BEING USED IN THE MBFR PROCESS, WOULD REQUIRE A DECISION BY THE FEDERAL SECURITY COUNCIL. BLECH STATED THAT ANY BACKGROUND ON HOW THE US CAME TO CHOOSE THE SS-20 OPTION WOULD BE HELPFUL TO THE FRG DECISION-MAKING PROCESS. HE AGREED THAT THE ERW ISSUE SHOULD BE RESOLVED BEFORE THE MAY SUMMIT AND INQUIRED AS TO US VIEWS ON TIMING FOR A POSSIBLE FOLLOW-UP NAC SESSION. RUTH SUGGESTED A SPECIAL SESSION DEVOTED TO THE SPECIFIC ARMS CONTROL ASPECT MIGHT BE DESIRABLE. ACTION REQUESTED: GUIDANCE FOR RESPONDING TO BLECH'S QUESTIONS ON THE BACK GROUND TO THE US DECISION CONCERNING ERW/SS-20 AND ON TIMING FOR FOLLOW-UP NAC DISCUSSIONS. END SUMMARY

1. THE CHARGE MET WITH BLECH, RUTH, AND ROSSBACK OF RUTH'S OFFICE THIS MORNING (FEBRUARY 20) TO PRESENT OUR PLANS FOR THE FEBRUARY 24 NAC SESSION AS INSTRUCTED IN REF A. WE HAD PREVIOUSLY MADE AVAILABLE THE TALKING POINTS FROM REF A ON NON-CIRCUMVENTION, SALT III PRINCIPLES AND GRAY AREAS, AND ERW AS NON-PAPERS FOR BLECH AND RUTH TO STUDY OVER THE WEEK-END, SO THAT THEY WOULD BE IN A POSITION TO OFFER PRELIMINARY COMMENTS AT THIS MORNING'S MEETING.

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NON-CIRCUMVENTION

2. THE CHARGE STATED THAT THE US DELEGATION WOULD BE DISCUSSING NON-CIRCUMVENTION WITH THE NAC ON FEBRUARY 24, WITH A VIEW TO PROCEEDING AT AN APPROPRIATE TIME TO TABLE OUR FALL BACK LANGUAGE IN GENEVA. HE STATED THAT THE US WOULD BE INTERESTED IN ANY FURTHER THOUGHTS THE FRG MIGHT HAVE ON THE MATTER BEFORE FEBRUARY 24.

3. BLECH COMMENTED AT CONSIDERABLE LENGTH, REFERRING

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AT THE OUTSET TO THE FEBRUARY 12 BI-LATERAL MEETING BETWEEN THE SECRETARY AND GENSCHER (REF B.). AS GENSCHER HAD SAID ON THAT OCCASION, GERMAN CONCERN WAS NOT JUST WITH THE WORDING OF A NON-CIRCUMVENTION CLAUSE BUT WITH THE ACCEPTANCE OF SUCH A CLAUSE IN GENERAL. BLECH CONCEDED THAT THE LEGAL CONSIDERATIONS IN PARA 3 OF REF A WERE CORRECT - THAT THE SUBJECT MATTER WAS TO BE AGREED BY THE TWO PARTIES TO THE AGREEMENT AND ONLY THOSE TWO COULD LEGALLY BE BOUND. THIS WAS TAKEN FOR GRANTED FROM THE BEGINNING - BUT THIS FROM THE GERMAN STANDPOINT WAS NOT THE REAL ISSUE. FOR THE FRG, THERE WAS A REAL POLITICAL PROBLEM.

4. ONE THING NOT DEALT WITH IN THE US PRESENTATION, BLECH CONTINUED, WAS THAT FROM THE LEGAL STANDPOINT A NON-CIRCUMVENTION CLAUSE HAD THE DISAGREEABLE EFFECT OF REVERSING THE BALANCE OF PROOF. THIS WAS ALSO A POINT GENSCHER HAD MADE TO THE SECRETARY. PARTICULARLY IN THE LIGHT OF EXPERIENCE WITH THE QUADRIPARTITE AGREEMENT ON BERLIN, THE GERMANS FEARED THAT THE CLAUSE WOULD CAST A SHADOW ON THE PRINCIPLE THAT THAT WHICH IS NOT SPECIFICALLY FORBIDDEN BY THE TREATY WAS PERMITTED. ACTIVITIES OUTSIDE THE RANGE OF THOSE EXPLICITLY FORBIDDEN COULD BE CONSTRUED AS VIOLATING THE SPIRIT OF THE AGREEMENT AND THUS AS CIRCUMVENTING IT.

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5. BLECH AGREED THAT THIS DIFFICULTY MIGHT BE VIEWED AS AFFECTING ONLY THE US - BUT HE POINTED OUT THAT IT COULD ALSO AFFECT THE ALLIANCE STRATEGY IN GENERAL WHICH DEPENDED ALMOST EXCLUSIVELY ON THE US.

6. WHILE GRANTING OUR POINT THAT THE AGREEMENT COULD NOT LEGALLY BIND THIRD STATES, BLECH NOTED THAT THERE WAS A POLITICAL ASPECT TO IT AS WELL. THE ALLIANCE WOULD

ALMOST CERTAINLY BE PORTRAYED AS SUPPORTING SALT II.

7. SHOULD THE AGREEMENT BE CONCLUDED BEFORE THE MAY SUMMIT, THE NATO COMMUNIQUE WOULD CERTAINLY CONTAIN POSITIVE WORDS ABOUT IT. THE ALLIES WOULD THUS IDENTIFY THEMSELVES WITH THE AGREEMENT, INCLUDING THE NON-CIRCUMVENTION CLAUSE - WHICH COULD BE INTERPRETED IN SUCH A WAY THAT THE SOVIETS COULD IN THE FUTURE DERIVE NOT OBLIGATIONS BUT COMMITMENTS FROM THE ALLIES. THIS WOULD ESPECIALLY BE TRUE IF THE NON-CIRCUMVENTION CLAUSE INCLUDED THE FALL-BACK LANGUAGE ON QUOTE THROUGH ANY OTHER STATE OR STATES END QUOTE.

8. IN SHORT, BLECH SAID, IF IT WAS NECESSARY TO HAVE A NON-CIRCUMVENTION CLAUSE AT ALL, THE FRG WOULD FIND IT CONTRARY TO THE PURPOSE - WHICH HE UNDERSTOOD TO BE A DAMAGE-LIMITING ONE - TO INCLUDE THE QUOTE OTHER STATES END QUOTE PHRASE. IT SEEMED TO THE FRG THAT INCLUSION OF NON-CIRCUMVENTION LANGUAGE WAS ALREADY A FALL-BACK, AND THAT WE SHOULD NOT FALL BACK ANY FURTHER TO QUOTE OTHER STATES END QUOTE.

9. WITH REFERENCE TO THE DISCUSSION OF INTERPRETATIONS OF NON-CIRCUMVENTION IN THE PENULTIMATE TICKED PARAGRAPH
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OF PARA 3, REF A, BLECH SAID HE FOUND THE IDEAS DEVELOPED THERE THOROUGHLY REASONABLE. THE GERMANS WOULD BE GLAD TO WORK WITH US ALONG THOSE LINES IN THE CONSULTATION PROCESS. AS FOR THE FINAL TICK IN PARA 3, BLECH SAID THE SUGGESTION THAT THE SYSTEMS TO WHICH NON-CIRCUMVENTION APPLIES MIGHT BE SPECIFIED HAD BEEN MADE IN THE COURSE OF A FREE-RANGING DISCUSSION. ON FURTHER THOUGHT, THE FRG WOULD NOT WISH TO STICK TO THAT SUGGESTION.

10. HAVING SAID ALL THIS, BLECH THEN ADDED THAT THE FRG REALIZED THAT IT MUST FACE FACTS: "IF YOU TELL US THAT NON-CIRCUMVENTION MUST BE DEALT WITH, WE WOULD FIND IT REGRETTABLE BUT WOULD FEEL THAT IT CAN'T BE HELPED." NEVERTHELESS, AS THE FEBRUARY 24 CONSULTATION WOULD BE THE FIRST TIME THIS ISSUE HAD BEEN DISCUSSED IN DEPTH BY THE ALLIANCE, THE GERMANS WOULD REITERATE THEIR POSITION ON THAT OCCASION - POINTING OUT THE DANGERS AS THEY SAW THEM AND SUGGESTING POSSIBLE WAYS OF CONTROLLING THE DANGERS.

11. ROSSBACK INTERJECTED THAT THE NON-CIRCUMVENTION ISSUE MUST BE SEEN IN THE LIGHT OF THE FEBRUARY 11 PRAVDA COMMENTARY, WHICH GAVE THE IMPRESSION THAT A NON-CIRCUMVENTION CLAUSE WOULD BE USED AS A MEANS OF INTER-

FERING WITH THEATER DEFENSES OF THE ALLIANCE. BLECH
AGREED, NOTING THAT THE SOVIETS STRESSED THAT ANYTHING

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WHICH COULD REACH SOVIET TERRITORY WAS COVERED BY THE
AGREEMENT.

12. BLECH THEN OBSERVED THAT HE PERCEIVED A NUANCE
BETWEEN THE US AND THE FRG POSITIONS. THE US SIDE, IN
THE LIGHT OF THE NEGOTIATING HISTORY, HAD THE PROBLEM OF
FINDING A FACE SAVING DEVICE FOR THE SOVIET UNION. BUT
THE GERMANS BELIEVED A LITTLE LESS IN THE WILLINGNESS OF
THE SOVIET UNION TO BE SATISFIED WITH FACE-SAVING DEVICES.
THE CHARGE REJECTED THIS ANALYSIS, POINTING OUT THAT ONE
OF OUR BASIC OBJECTIVES WAS TO AVOID INCLUSION OF A NON-
TRANSFER CLAUSE. OUR POSITION WAS NOT BASED ON FINDING
AN OUT FOR THE SOVIETS, BUT ON AVOIDING NON-TRANSFER
WITH A LIVABLE NON-CIRCUMVENTION CLAUSE; THIS WOULD BE
TO THE ADVANTAGE OF THE ALLIANCE AS A WHOLE.

13. BLECH CONCEDED THAT POINT AND RECOGNIZED THAT THE
US WAS RESOLVED TO AVOID NON-TRANSFER. BUT BY RESOLVING
THAT IN A SATISFACTORY WAY, HE THOUGHT THE US WAS OPEN-
ING UP A NEW SET OF QUESTIONS WHICH AFFECTED THE AGREE-
MENT AS A WHOLE. NON-TRANSFER WAS FOR THE SOVIETS ONLY
ONE SPECIFIC ASPECT OF NON-CIRCUMVENTION. THEY WERE
SEEKING A POLITICAL INSTRUMENT BY WHICH THEY COULD
INFLUENCE THE POLITICAL STRATEGY AND ARMAMENTS QUESTIONS
WITHIN THE ALLIANCE.

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14. ROSSBACK ADDED THAT THE US FALL-BACK LANGUAGE CARRIED WITH IT ELEMENTS OF NON-TRANSFER - AN ASSERTION THE CHARGE SAID HE WAS UNABLE TO ACCEPT. THE LANGUAGE AND PURPOSE OF OUR NON-CIRCUMVENTION CLAUSE WERE CLEAR. HE REALIZED THAT THE SOVIETS WOULD ENDEAVOR TO GET THE MAXIMUM OUT OF ANY AGREEMENT THEY SIGNED. IN THE CASE OF THE QUADRIpartite AGREEMENT ON BERLIN, THEY CONTINUED TO ARGUE THAT ANYTHING WHICH WAS NOT PERMITTED BY THE AGREEMENT WAS PROHIBITED. THE QUESTION FOR CONSIDERATION, THE CHARGE SUGGESTED, WAS WHETHER THIS SOVIET ARGUMENTATION HAD REALLY HAD ANY EFFECT ON THE IMPLEMENTATION OF THE QUADRIpartite AGREEMENT.

15. BLECH CONCEDED THAT THE AGREEMENT REMAINED INTACT DESPITE ARGUMENTS OVER INTERPRETATION. BUT HE SUGGESTED THAT ONE AVOIDED POLITICAL PROBLEMS BY MAKING ONE'S POSITION CLEAR FROM THE BEGINNING AND THEN STICKING WITH IT. HE AGREED THAT THE SOVIETS COULD ARGUE NON-CIRCUMVENTION EVEN IN THE ABSENCE OF A NON-CIRCUMVENTION CLAUSE. BUT HE WONDERED WHY WE SHOULD MAKE IT EASIER FOR THEM.

SALT III PRINCIPLES AND GRAY AREAS

16. BLECH SAID HE CONSIDERED THE APPROACH OUTLINED IN PARA 6 OF REF A SOUND AND OFFERED ONLY ONE SUBSTANTIVE COMMENT. NOTING THAT CRUISE MISSILES WERE INCLUDED IN A PRELIMINARY WAY IN THE PROTOCOL, HE THOUGHT IT WOULD BE DESIRABLE TO TREAT THEM ALSO IN SOME WAY IN THE US UNILATERAL STATEMENT ON THE SCOPE OF SALT III. THIS WOULD AVOID THE IMPRESSION THAT CRUISE MISSILES HAD BEEN PERMANENTLY DISPOSED OF BY THE PROTOCOL. BLECH REITERATED

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TED THE FAMILIAR CONCERN THAT THE US, WHILE FORMULATING ITS POSITION ON NON-CIRCUMVENTION AND ON CRUISE MISSILES IN A WATER-TIGHT WAY, MIGHT HAVE INSUFFICIENT ROOM FOR MANEUVER POLITICALLY IN MAKING USE LATER ON OF THE OPTIONS IT HAD RETAINED.

ENHANCED RADIATION WARHEAD

17. BLECH SAID THE FRG FULLY SHARED THE US VIEW THAT A DECISION ON ERW SHOULD NOT BE DELAYED TOO LONG - BOTH

BECAUSE THE SUMMIT SHOULD NOT BE BURDENED WITH THIS PROBLEM AND BECAUSE DISCUSSION IN NATO OF THE BREZHNEV LETTERS HAD SHOWN THAT IT WAS DIFFICULT TO SEPARATE THE QUESTION OF HOW TO RESPOND TO THOSE LETTERS FROM THE SUBSTANCE OF THE MATTER.

18. BEFORE COMMENTING ON THE PROPOSED THREE-STAGE SCENARIO, BLECH ASKED WHETHER WE WERE CONSULTING WITH OTHER ALLIES IN ADVANCE OF THE FEBRUARY 24 NAC SESSION. HE RECALLED THAT SECRETARY VANCE HAD TOLD GENSCHER ON FEBRUARY 12 THAT THE US WAS IN CONTACT WITH SEVERAL ALLIES TO DISCUSS PLANS FOR INTRODUCING THE ISSUE IN THE NAC, AND THAT GENSCHER HAD EMPHASIZED HIS DESIRE TO AVOID THE APPEARANCE THAT ERW WAS A GERMAN-AMERICAN BILATERAL ISSUE. WE TOLD BLECH THAT THE US WAS ALSO CONSULTING THE FRENCH AND THE BRITISH NOW AND THAT THERE

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WAS A POSSIBILITY THAT WE WOULD BE IN TOUCH WITH CERTAIN OTHER ALLIES LATER IN THE WEEK IN ADVANCE OF THE FEBRUARY 24 MEETING.

19. AS FOR THE SUBSTANCE OF THE PROPOSED SCENARIO, BLECH SAID HE HAD NO PRACTICAL DIFFICULTY WITH THE FIRST ELEMENT. FROM THE SECOND ELEMENT, HE CONTINUED, IT SEEMED CLEAR THAT THE US HAD NOW MADE A DECISION TO LINK THE ERW TO THE SS-20, RATHER THAN TO TANKS OR SOME OTHER BARGAINING OBJECTIVE. THE FRG, HE SAID, HAD STILL NOT MADE A DECISION ON THIS POINT AND THUS WOULD PROBABLY BE UNABLE TO EXPRESS AGREEMENT WITH THE SECOND

ELEMENT OF THE US SCENARIO ON FEBRUARY 24.

20. BLECH COMMENTED THAT STATE SECRETARY VAN WELL HAD MENTIONED TO MR. AARON THAT WITHIN THE FOREIGN OFFICE SENTIMENT WAS STRONGLY IN FAVOR OF THE SS-20. HE ADDED, HOWEVER, THAT A POSSIBLE LINKAGE WITH MBFR WAS STILL VERY MUCH AN OPEN QUESTION, AND THAT THE ISSUE WOULD HAVE TO BE CONSIDERED BY THE FEDERAL SECURITY COUNCIL.

21. BLECH RECALLED THAT THE PRESIDENT'S LETTER TO THE CHANCELLOR IN DECEMBER HAD MENTIONED A RANGE OF OPTIONS AND THAT SECRETARY VANCE ON FEBRUARY 12 HAD USED THE
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PLURAL IN INFORMING GENSCHER THAT THE US WAS STILL CONSIDERING SEVERAL "OPTIONS" FOR LINKING ERW TO ARMS CONTROL. IT WOULD BE HELPFUL FOR FRG DECISION-MAKING TO KNOW WHAT HAD MADE THE US DECIDE ON THE SS-20 OPTION. BLECH ALSO ASKED WHETHER THE US DELEGATION, IN ITS PRESENTATION TO THE NAC ON FEBRUARY 24, PLANNED TO ELABORATE ON THE SECOND POINT AND REFER TO OTHER ARMS CONTROL POSSIBILITIES. WE UNDERTOOK TO REPORT THE QUESTION, ADDING ONLY THAT THE US WOULD WELCOME ANY COMMENTS THE FRG WISHED TO MAKE ON THE PROPOSAL BEFORE THE NAC MEETING.

22. BLECH DID NOT GET INTO THE SUBSTANCE OF THE THIRD ELEMENT, NOTING THAT WHAT WAS DECIDED ON IT WOULD DEPEND VERY MUCH ON WHAT WAS DONE WITH THE SECOND ELEMENT.

23. RUTH RAISED A QUESTION OF TIMING, WONDERING HOW SOON THE US WOULD LIKE TO HAVE A FOLLOW-UP NAC SESSION. HE SUGGESTED THAT IT MIGHT BE DESIRABLE TO HAVE A SPECIAL MEETING TO DISCUSS THE ARMS CONTROL ASPECT AS A SEPARATE ISSUE FROM THE PRODUCTION/DEPLOYMENT DECISION.

24. BEFORE LEAVING THE ERW ISSUE, BLECH OFFERED A COMMENT ON THE NORWEGIAN ATTITUDE. SECRETARY VANCE HAD TOLD GENSCHER ON FEBRUARY 12, HE SAID, THAT THE US HAD BEEN IN CONTACT WITH SEVERAL ALLIES AND THAT SOME OF THEM - HE MENTIONED SPECIFICALLY NORWAY - HAD TAKEN A NEGATIVE ATTITUDE TOWARD THE ERW. ON FEBRUARY 15, BLECH CONTINUED, DURING CONSULTATIONS IN OSLO HIS NORWEGIAN COLLEAGUE, KRISTIENSEN, HAD BROUGHT UP THE SUBJECT, QUITE POINTEDLY STATING THAT HE KNEW THAT SOME PEOPLE THOUGHT NORWAY WAS TAKING A NEGATIVE POSITION. KRISTIENSEN HAD CONFIRMED THAT THERE WAS NO CHANGE IN
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THE NORWEGIAN POLICY AGAINST STOCKPILING NUCLEAR WEAPONS
IN NORWAY. BUT HE ADDED THAT THE NORWEGIANS HAD NOT
MADE UP THEIR MINDS ON THE QUESTION OF USE OF THE ERW

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IN THE ALLIANCE. THEY WOULD NOT WISH TO BE LINKED TO THE
PRODUCTION DECISION, BUT THEY HAD NOT TAKEN ANY POSITION
WITH REGARD TO DEPLOYMENT.

25. WHILE NOTING THAT KRISTIANSEN HAD NOT ASKED HIM TO
PASS ON HIS REMARKS, BLECH THOUGHT IT SIGNIFICANT THAT
KRISTIANSEN HAD TAKEN THE INITIATIVE TO RAISE THE MATTER.
HE HAD COME AWAY FROM OSLO WITH THE FEELING THAT, IF THE
PRODUCTION DECISION WERE MADE, THE NORWEGIANS WOULD NOT
WISH TO OPPOSE A DECISION ON DEPLOYMENT AND USE OF THE
ERW IN ARMS CONTROL TALKS.

26. BLECH SAID HE WOULD BE IN TOUCH WITH US IF HE WAS
ABLE TO OFFER ANY MORE DEFINITIVE COMMENTS ON OUR ERW
PROPOSAL BEFORE FEBRUARY 24, WHILE WE UNDERTOOK TO REPORT
HIS QUESTIONS REGARDING THE PROPOSED ERW SCENARIO.

27. ACTION REQUESTED: GUIDANCE ON ANY FURTHER INFOR-
MATION THE DEPARTMENT WOULD WISH US TO PASS TO THE FRG
CONCERNING (A) THE BACKGROUND OF OUR ERW/SS-20 DECISION
AND (B) OUR THOUGHTS ON TIMING OF A FOLLOW-UP NAC

SESSION.

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